

July 26, 2016

The regular meeting of the City Council of the City of Fairmont was held at 7:00 p.m. on the 26th day of July, 2016, at the Public Safety Building located at 500 Quincy Street in Fairmont, West Virginia.

Mayor Straight called the meeting to order.

Councilmembers present were:

First District	Marianne Moran
Second District	Frank G. Yann
Third District	Robert (Rob) Linger
Fourth District	William H. (Bill) Burdick
Fifth District	Fran Warner
Sixth District	Daniel K. (Dan) Weber
Seventh District	Philip R. (Phil) Mason
Eighth District	Thomas (Tom) Mainella
Ninth District	Ronald J. (Ron) Straight, Sr.

Also present were:

City Manager	Robin I. Gomez
City Clerk	Janet L. Keller
City Attorney	Kevin Sansalone
Police Chief	Steven Shine
Fire Chief	Ed Simmons
City Planner	Sandra Scaffidi

IN RE: OPENING CEREMONIES

Rev. D. D. Meighen gave the invocation followed by the Pledge of Allegiance to the Flag led by Councilmember Burdick.

APPROVAL OF MINUTES

Mayor Straight noted that each member of Council had received a copy of the minutes from the Regular Meeting held on July 12, 2016.

Councilmember Moran moved to approve the minutes as submitted. The motion was seconded by Councilmember Yann.

The Mayor declared the minutes approved as submitted by voice vote of

Council.

PUBLIC HEARINGS

IN RE: AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF ORDINANCE NO. 403, AS AMENDED BY ORDINANCE NO. 1365, ORDINANCE NO. 1486, AND ORDINANCE NO. 1624, WHICH IS CODIFIED AS PART 15 FIRE PREVENTION CODE, ARTICLE 1507, BUREAU FOR FIRE PREVENTION, SECTION .07 STATE CODE AND FIRE MARSHAL RULES, OF THE CODE OF THE CITY OF FAIRMONT, TO PROVIDE FOR THE ADOPTION OF THE STANDARDS AND REQUIREMENTS SET OUT IN TITLE 87 LEGISLATIVE RULE, FIRE COMMISSION, SERIES 1 FIRE CODE, AND ESTABLISHED AND ADOPTED BY THE STATE OF WEST VIRGINIA, EFFECTIVE JULY 1, 2016, EXCLUDING HOWEVER ALL STANDARDS AND REQUIREMENTS DIRECTED TO THE OPERATION OF LOCAL FIRE DEPARTMENTS, IF ANY

Pursuant to a notice duly published in the Times-West Virginian on July 18, 2016, a public hearing was convened to obtain citizen input on a proposed ordinance to provide for the adoption of the Fire Commission Rules and Regulations effective July 1, 2016.

The Mayor asked if anyone present desired to speak to the proposed ordinance.

ED SIMMONS, Fire Chief, spoke in favor of the proposed ordinance.

There being no one else to speak, the public hearing was called to a close at 7:09 p.m.

ANNOUNCEMENTS

IN RE: DELIVERY OF NEWSPAPERS

Councilmember Weber mentioned that particular news agencies seems to litter our yards and driveways with their newspapers. He said that they need to cease and desist putting the newspapers in people's yards. He noted that residents should be able to opt out of receiving them and they need to find another way to deliver the newspapers.

Mr. Gomez said that he will contact each publication to see if the residents can opt out of receiving the newspapers. He also mentioned that it was his understanding that it was to be a temporary and not a permanent delivery.

IN RE: PUBLISH AGENDAS IN THE NEWSPAPER

Councilmember Weber suggested publishing the Council agenda in the newspaper in order to get more citizens to attend the meetings. He then suggested allocating more money in the budget in order to publish the agenda.

IN RE: PARKING ON MONROE STREET

Councilmember Weber asked about the parking on Monroe Street where the city vehicles used to park. He suggested that since they are no longer parking on Monroe Street, to open that area up for citizens to park. He said that would be advantageous for those going to the Library.

CITIZENS PETITIONS

IN RE: THANK YOU CARDS TO CITY COUNCIL

BEVERLY KEENER, an employee with the Marion County Health Department, presented thank you cards to City Council from various people that use the city parks thanking Council for passing the tobacco free ordinance at the July 12th meeting.

IN RE: INTERIM MAIN STREET DIRECTOR

EMILY SWAIN introduced herself to Council since being named the Interim Director for Main Street Fairmont.

CITY MANAGER'S REPORT

IN RE: CODE ENFORCEMENT ISSUES

Mr. Gomez thanked the City of Fairmont Code Enforcement Department making sure that people comply with the building codes.

IN RE: UTILITY BILL

The City Manager took a few minutes to explain that the City of Fairmont Utility bill after he received several phone calls from folks inquiring about their utility services and how they can lower their bill. He noted the utility bill is not just for water and sewer billing. He explained that the bill includes garbage, stormwater fee, street maintenance fee, street sweeping fee and fire fees. He also wanted to remind everyone that the bill is a bi-monthly bill

and not a monthly bill for seven services.

CONSIDERATION OF COUNCIL BUSINESS

IN RE: ADOPTION, AN ORDINANCE AMENDING AND SUPPLEMENTING THAT PORTION OF ORDINANCE NO. 403, AS AMENDED BY ORDINANCE NO. 1365, ORDINANCE NO. 1486, AND ORDINANCE NO. 1624, WHICH IS CODIFIED AS PART 15 FIRE PREVENTION CODE, ARTICLE 1507, BUREAU FOR FIRE PREVENTION, SECTION .07 STATE CODE AND FIRE MARSHAL RULES, OF THE CODE OF THE CITY OF FAIRMONT, TO PROVIDE FOR THE ADOPTION OF THE STANDARDS AND REQUIREMENTS SET OUT IN TITLE 87 LEGISLATIVE RULE, FIRE COMMISSION, SERIES 1 FIRE CODE, AND ESTABLISHED AND ADOPTED BY THE STATE OF WEST VIRGINIA, EFFECTIVE JULY 1, 2016, EXCLUDING HOWEVER ALL STANDARDS AND REQUIREMENTS DIRECTED TO THE OPERATION OF LOCAL FIRE DEPARTMENTS, IF ANY

Mayor Straight entertained a motion for the adoption of an ordinance to provide for the adoption of the Fire Commission Rules and Regulations effective July 1, 2016.

Motion:

Councilmember Warner moved for the adoption of the proposed ordinance. Councilmember Yann seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the ordinance adopted by unanimous vote of Council and the ordinance designated as Ordinance No. 1701 was duly adopted.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT APPROVING THE FORM OF THAT CERTAIN SOFTWARE LICENSE AND SERVICE AGREEMENT BY AND BETWEEN THE CITY OF FAIRMONT AND PASSPORT PARKING, INC., AND AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE AND DELIVER THE AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT

Mayor Straight entertained a motion for the adoption of a resolution approving the form of the software license agreement by and between the City of Fairmont and Passport parking, Inc.

Motion:

Councilmember Mainella moved for the adoption of the resolution. The motion was seconded by Councilmember Burdick.

The Clerk read the proposed resolution by synopsis for the first time.

Discussion:

Councilmember Weber asked if there was a cost associated with the software.

Mr. Gomez said that the only cost to the City is, at such time when everything is set up and a customer or user uses the program to pay for parking, there is a 5 cents that the City will pay the vendor for each time that a customer pays using this software. He noted that it was coming from the revenue that the person is paying to park with. He said there are no other fees for the equipment or software or signage that we will install or for other information that will go on each meter.

Councilmember Mainella asked if they will have to retrofit the meters.

The City Manager replied yes. He said there are a little over 100 meters that will be switched to become digital so they will still be able to accept coins but in addition to that every meter will need to be extended so that they can park for a longer period of time. He added that there will be a cost to bring it to the current technology and the total cost is estimated at \$18,000.00.

Roll call was taken by the Clerk and the following votes were recorded:

Councilmember Burdick	Yes	Councilmember Linger	Yes
Councilmember Moran	Yes	Councilmember Weber	No
Councilmember Mainella	Yes	Councilmember Mason	Yes
Councilmember Warner	Yes	Councilmember Yann	Yes
Mayor Straight	Yes		

The Mayor declared the resolution adopted by majority vote of Council.

IN RE: ADOPTION, A RESOLUTION TO RESCHEDULE THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 8, 2016 TO NOVEMBER 9, 2016

Mayor Straight entertained a motion for the adoption of a resolution changing the November 8, 2016 meeting to Wednesday, November 9, 2016 due to November 8th being the General Election and a national holiday.

Motion:

Councilmember Warner moved for the adoption of the resolution. The motion was seconded by Councilmember Mainella.

The Clerk read the proposed resolution by synopsis for the first time.

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of Council.

IN RE: ADOPTION, A RESOLUTION OF THE COUNCIL FOR THE CITY OF FAIRMONT APPROVING THE FORM OF THAT CERTAIN SCHOOL RESOURCE OFFICER PROGRAM AGREEMENT FOR 2016-2017 BY AND BETWEEN THE CITY OF FAIRMONT AND THE BOARD OF EDUCATION FOR THE COUNTY OF MARION AND AUTHORIZING AND EMPOWERING THE CITY MANAGER TO EXECUTE AND DELIVER THE AGREEMENT ON BEHALF OF THE CITY OF FAIRMONT

Mayor Straight entertained a motion for the adoption of a resolution approving the agreement by and between the City of Fairmont and the Marion County Board of Education for the School Resource Officer Program.

Motion:

Councilmember Burdick moved for the adoption of the resolution. The motion was seconded by Councilmember Mainella.

The Clerk read the proposed resolution by synopsis for the first time.

Discussion:

Councilmember Weber noted that his wife is a teacher for the County and she certainly appreciates the officers in the schools.

Mr. Gomez said the question regarding the budget for the officers, they are funded out of a COPS grant in part and the Board of Education also pays \$40,000 for these officers. He noted that the total budget for these school resource officers is \$138,454.13 for the current fiscal year. He added that

the grant reimbursement is \$83,333.00 and then the \$40,000.00 contribution from the Board of Education.

Police Chief Shine spoke in favor of the resolution. He said that when school is not in session, Officer Neal and Officer Merrifield are assigned to Patrol and part of the regular force. He went on to say that it is a temporary position in the schools and when the grant money runs out, we do not have another grant to go after and this is a \$250,000.00 from the Federal Government to do this so the positions aren't filled by the manpower that we have now. He added that we will not be able to support this.

Mr. Gomez said this is a very important program and the significant benefits outweigh the cost.

Roll call was taken by the Clerk.

The Mayor declared the resolution adopted by unanimous vote of Council.

IN RE: ADJOURN TO EXECUTIVE SESSION

Mayor Straight entertained a motion to adjourn to Executive Session as per WV Code §6-9A-4(b)(2)(A) and City Charter 2.11 (a)(1)A – to consider matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a City Officer.

Motion:

Mayor Straight moved to adjourn to Executive Session as per WV Code §6-9A-4(b)(2)(A) and City Charter 2.11 (a)(1)A. Councilmember Mainella seconded the motion.

Roll call was taken by the Clerk.

The Mayor declared the meeting adjourned to Executive Session at 7:40 p.m. by unanimous vote of Council.

IN RE: MEETING RECONVENED

The Mayor declared the meeting reconvened at 7:47 p.m.

IN RE: ONE APPOINTMENT, MARION COUNTY PUBLIC LIBRARY TRUSTEE BOARD, FIVE YEAR TERM TO END JUNE 30, 2021

Mayor Straight entertained a motion for one appointment to the Marion County Public Library Trustee Board.

Councilmember Mason moved to re-appoint Blair Montgomery for a five year term ending June 30, 2021. The motion was seconded by Councilmember Yann.

Roll call was taken by the Clerk

The Mayor declared Blair Montgomery re-appointed to the Marion County Public Library Trustee Board for a five-year term to end June 30, 2021 by unanimous vote of Council.

ADJOURNMENT

The Mayor entertained a motion for adjournment.

Motion:

Councilmember Mason moved to adjourn the meeting. The motion was seconded by Councilmember Weber.

The Mayor declared the meeting adjourned by voice vote of Council at 7:48 p.m.